

Remarks

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Initially, it is noted that ownership of the above-identified application has been transferred recently, and revocation and power of attorney papers will soon be made of record. In the meantime, the undersigned counsel confirms that authority to act on behalf of the new owner has been provided to the undersigned.

By the above amendments to the claims, claims 1, 8-10, 12, 13, and 16-19 have been amended. Descriptive support for the amendments to claims 1, 8, 10, 18, and 19 is provided, *inter alia*, at page 5, lines 20-23. The means-plus-function language has also been removed from the claim language. No new matter has been introduced. Claims 1-19 remain pending.

The rejection of claims 1-5, 8, 10-13, 16, 18, and 19 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,813,775 to Finseth et al. (“Finseth”) is respectfully traversed in view of the above amendments and the following remarks.

Finseth involves the device of a first user compiling a first user’s viewing preferences, selecting other users with whom to share the information, and then transmitting the information to the devices of the other users (column 12, lines 18-54; Figure 7). The viewer preference information is automatically stored by the devices of the other users, and may be used in creating a program guide based on recommendations (column 13, lines 11-23). For example, in the system of Finseth the device of the first user automatically transmits viewer information on a regular basis once the destinations have been set up. However, if the circumstances of the first user change, such that they do not wish to provide such information, but they forget or do not know how to change the transmission settings, then the device will nevertheless continue to transmit the information regardless of their preferences.

In contrast to Finseth, the recited method of claim 1 is initiated by a user making an initial request for information about recommendations from another user (or users). In other words, rather than the information being pushed to the user as in Finseth, the information is pulled by the user. This has the advantage of providing the parties with greater control over access to their respective profile information.

Thus, Finseth fails to teach or suggest the step of “transmitting a request for at least one other user profile corresponding to a viewing history of another user” or the step of

“*receiving at least a portion of at least one other user profile in response to the request*” (emphasis added) as recited in the method of claim 1. Likewise, Finseth fails to teach or suggest an apparatus that comprises “a communication system *that transmits a request* for at least one other user profile corresponding to a viewing history of another user” as recited in claim 10, a program storage device that performs method steps for generating a recommendation for video content that includes the step of “*transmitting a request* for at least one other user profile corresponding to a viewing history of another user” as recited in claim 18, or a computer program product that includes “computer readable program code for *transmitting a request* for at least one other user profile corresponding to a viewing history of another user” as recited in claim 19.

Because Finseth is deficient in these respects, the rejection of claims 1-5, 8, 10-13, 16, 18, and 19 as anticipated by Finseth should be withdrawn.

The rejection of claims 6 and 14 under 35 U.S.C. § 103(a) for obviousness over Finseth in view of U.S. Patent No. 7,188,355 to Prokopenko et al. (“Prokopenko”) is respectfully traversed.

The teachings of Finseth, and its deficiencies with respect to independent claims 1 and 10, are noted above.

Prokopenko is cited by the U.S. Patent and Trademark Office (“PTO”) for teaching the addition of an entry to a list of recommended programs only if the entry is not already present in the list. Even if, assuming *arguendo*, Prokopenko teaches this element (which applicant does not admit), then the obviousness rejection remains deficient because Prokopenko fails to overcome the above-noted deficiencies of Finseth. Therefore, the obviousness rejection of claims 6 and 14 over the combination of Finseth and Prokopenko should be withdrawn.

The rejection of claims 7 and 15 under 35 U.S.C. § 103(a) for obviousness over Finseth in view of U.S. Patent Application Publ. No. 2002/0188949 to Wang et al. (“Wang”) is respectfully traversed.

The teachings of Finseth, and its deficiencies with respect to independent claims 1 and 10, are noted above.

Wang is cited by the PTO for teaching the assigning of weights to portions of a user profile (via a user interface), and determining a recommendation for video programming based on the weighted user profile. Even if, assuming *arguendo*, Wang teaches these elements (which applicant does not admit), then the obviousness rejection remains

deficient because Wang fails to overcome the above-noted deficiencies of Finseth. Therefore, the obviousness rejection of claims 7 and 15 over the combination of Finseth and Wang should be withdrawn.

The rejection of claims 9 and 17 under 35 U.S.C. § 103(a) for obviousness over Finseth in view of U.S. Patent No. 6,005,561 to Hawkins et al. (“Hawkins”) is respectfully traversed.

The teachings of Finseth, and its deficiencies with respect to independent claims 1 and 10, are noted above.

Hawkins is cited by the PTO for teaching the user of a video system having the ability to sell a file containing the user’s viewing history. Even if, assuming *arguendo*, Hawkins teaches this element (which applicant does not admit), then the obviousness rejection remains deficient because Hawkins fails to overcome the above-noted deficiencies of Finseth. Therefore, the obviousness rejection of claims 9 and 17 over the combination of Finseth and Hawkins should be withdrawn.

In view of all of the foregoing, applicant submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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